

# Alcohol License

MUST BE COMPLETED & RETURNED PRIOR TO \_\_\_\_\_

## 1. MAILING NAME AND ADDRESS:

## 2. CHECK ONE

Renewal \_\_\_\_\_

Amended \_\_\_\_\_

New \_\_\_\_\_ date: \_\_\_\_\_

Closed \_\_\_\_\_ date: \_\_\_\_\_

## 3.

Restaurant, serving beer, wine and liquor \$5,000

Restaurant, serving beer and/or wine \$3,000

Lounge, located in hotel with restaurant \$3,000

Lounge, adjacent to and connected with restaurant \$1,000

Sale of packaged malt beverages \$1,000

Sale of packaged vinous beverages \$ 500

Combined sale of package malt and vinous beverages \$1,500

Type of Business: \_\_\_\_\_

Total Due..... \$ \_\_\_\_\_

## 4. Dominant Line of Business:

5. I (name) \_\_\_\_\_

being the title \_\_\_\_\_

of the business firm named, do hereby register and  
apply for a license, and furthermore, do hereby  
certify that the information provided is true, correct,  
and complete.

\_\_\_\_\_  
SIGNATURE

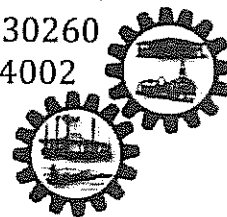
\_\_\_\_\_  
PHONE #

# City of Morrow

1500 Morrow Road

Morrow, GA 30260

770 - 961- 4002



## 6. BUSINESS NAME AND LOCATION

## 7. PHONE NUMBER OF THIS LOCATION

## 8. OWNERS, PARTNERS, OFFICERS, ETC.

(If incorporated list offices & directors)

Name:

Home Address:

Home Phone:

SSN #:

Title:

Name:

Home Address:

Home Phone:

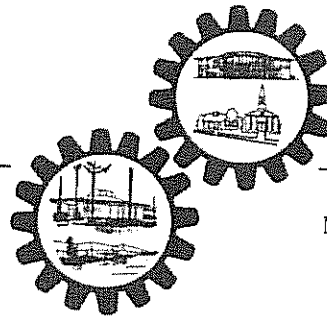
SSN #:

Title:

LICENSE IS NON-TRANSFERABLE.  
INEFFECTIVE UPON CHANGE OF OWNERSHIP.



Geared for Quality Growth



[www.cityofmorrow.com](http://www.cityofmorrow.com)

1500 MORROW ROAD  
MORROW, GEORGIA 30260

Office: (770) 961-4002

Fax: (770) 960-3002

**Check List For Alcohol Application**

- 1 Application (supplied by city)
- 2 Diagram of Layout
- 3 Copy of Lease Agreement
- 4 Copy of City Business License
- 5 Fire Safety Inspection Report
- 6 Health Inspection Report
- 7 Consent Form for background investigation (supplied by city)
- 8 Copy of Valid ID
- 9 Financial Statement
- 10 Application processing fee \$ 500.00 (non-refundable if application is not approving for any reason)

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

**Notice: If there is more than one owner(s) of the company # 7-10 must provide each owner document.**

STATE OF GEORGIA  
CLAYTON COUNTY

CITY OF MORROW  
ALCOHOLIC BEVERAGE LICENSE APPLICATION

**FOR OFFICE USE ONLY:**

Date Received: \_\_\_\_\_

City License Number: \_\_\_\_\_

Investigation Fee Paid: \_\_\_\_\_

State License Number: \_\_\_\_\_

License Fee Paid: \_\_\_\_\_

Date Denied: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Reason Denied: \_\_\_\_\_

Reviewed By:

Police Department \_\_\_\_\_

Zoning Administrator \_\_\_\_\_

Business License Administrator \_\_\_\_\_

Fire Marshall \_\_\_\_\_

Other \_\_\_\_\_

Type of Facility

Seating Capacity

No. of Rooms

\_\_\_\_\_ Hotel

\_\_\_\_\_ Motel

\_\_\_\_\_ Restaurant

\_\_\_\_\_ Lounge

\_\_\_\_\_ Retail Dealer

Address/Location of Facility: \_\_\_\_\_

Application for: \_\_\_\_\_ Liquor \_\_\_\_\_ Beer \_\_\_\_\_ Wine

**INSTRUCTIONS:** Every question must be answered fully and correctly. If the space provided is not sufficient, answer the question on a separate sheet and indicate in the space provided that such sheet is attached. When completed, it must be dated, signed and verified under oath by the Applicant and filed with the City Manager, together with all supporting papers and the investigation fee of \$500.

**APPLICANT/LICENSEE**

1. Full name: \_\_\_\_\_ SS# \_\_\_\_\_  
Address \_\_\_\_\_ DOB \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Drivers License # \_\_\_\_\_ Position/Title \_\_\_\_\_  
Telephone # (Business) \_\_\_\_\_ (Home) \_\_\_\_\_

2. Business for which the license is applied for:  
Business/Corporate Name \_\_\_\_\_  
Trade Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
3. Type of Ownership:  
Sole Ownership \_\_\_\_\_ Partnership \_\_\_\_\_ Corporation \_\_\_\_\_
4. Ownership Information:
- a. Name and address for the past 10 years of each person that has ownership or interest in this business, and indicate percentage of ownership:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. If a corporation, was the corporation incorporated in the State of Georgia and/or is it registered to do business in the State of Georgia? \_\_\_\_\_ Give the following information for the registered agent to receive legal process:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Telephone: \_\_\_\_\_
- c. Has any person, partner or stockholder been convicted or entered a plea of nolo contendere for any felony or crime involving moral turpitude? \_\_\_\_\_  
If yes, explain. \_\_\_\_\_
- d. Has any person, firm, partnership or corporation, which would have an interest in the license, ever violated a Federal, State, County or City law, statute or ordinance, or any regulation regarding alcoholic beverage, their sale distribution or manufacture? \_\_\_\_\_  
If yes, explain. \_\_\_\_\_
- e. Has any person, firm, partnership or corporation, which would have an interest in the license, ever had an alcoholic beverage or business license suspended or revoked by the State of Georgia, or any political subdivision thereof? \_\_\_\_\_  
If yes, explain. \_\_\_\_\_
- f. Does the business operation or, where applicable, corporation have any interest in a wholesale license, retail license or retail consumption? \_\_\_\_\_  
If yes, explain. \_\_\_\_\_

5. List the names and addresses of all persons who have any interest whatsoever in the ownership of the business, together with any interest each person or **any member** of his or her immediate family has in any other business licensed to sell alcoholic beverages. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. List the names and addresses of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which the store is located. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. List the amount of rental paid for the land and building and the manner in which the rent is determined and to whom and at what intervals it is paid. \_\_\_\_\_  
\_\_\_\_\_
8. How much of the capital of this business is borrowed and from whom? \_\_\_\_\_  
\_\_\_\_\_
9. What is the direct distance (line of sight) from business to nearest:  
a. Church ground \_\_\_\_\_ Residence \_\_\_\_\_  
b. School ground \_\_\_\_\_ Licensed package dealer \_\_\_\_\_
10. List the name and address of the general manager of the particular business location: \_\_\_\_\_  
\_\_\_\_\_
11. List all other liquor, beer or wine businesses that your general manager is interested in, employed by or associated with. \_\_\_\_\_  
\_\_\_\_\_
12. Name, address and date of birth of each employee working at the particular business location. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
13. There must be submitted with this application a personal financial statement from all persons interested in the ownership of the business applying for a license to sell alcoholic beverages. Such statements shall be deemed to be incorporated into and made a part of this application and any false statement shall not only constitute false swearing under the criminal laws of this state, but shall also constitute cause for the revocation of any license issued pursuant to this application. Indicate the number of statements attached hereto. \_\_\_\_\_

14. There must be attached to this application a certificate from a registered surveyor as to the radial distance from this place of business to the nearest school, church, library, private residence, alcoholic treatment center and any retail package dealer. Check here if survey is attached.\_\_\_\_\_
15. There must be attached to this application a set of fingerprint cards and a photograph for all persons interested in the ownership of the business applying for a license to sell alcoholic beverages. Check here if fingerprint cards and photograph(s) are attached.\_\_\_\_\_
16. There must be attached to this application a blueprint or scale drawing of the business facility which describes each entrance or exit to or from the place of business, and particularly any passage-way between the place of business and any other adjacent place of business. Check here if blueprint or scale drawing is attached.\_\_\_\_\_
17. Should any change occur during the year for which a license is issued pursuant to this application which would require a different answer to any question contained in this application, or any personal statement which is made a part of this application, such change must be reported to this City within thirty (30) days. The failure to make such report shall be cause for the revocation of any license issued pursuant to this application. Indicate here that this is fully understood.\_\_\_\_\_

**NOTE:** Before signing this application, check all answers and explanations to see that you have answered all questions fully and correctly. This application is to be executed under oath and subject to the penalties of false swearing and it includes all attachments submitted herewith. Applicant understands that any license issued pursuant to this application is conditioned upon the truth of the statements and answers made herein and that any false answer and/or statement herein shall constitute cause for the suspension or revocation of any license issued pursuant to this application.

As applicant and/or license holder, I have read the Ordinance and all amendments pertaining to the Ordinance governing the sale of alcoholic beverages in the City of Morrow, Georgia.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

OWNERSHIP/INTEREST INFORMATION SHEET

Full Name \_\_\_\_\_ SS# \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Sex \_\_\_\_\_ Race \_\_\_\_\_ Drivers License # \_\_\_\_\_ State \_\_\_\_\_  
County \_\_\_\_\_ Position/Title \_\_\_\_\_  
Telephone # (Business) \_\_\_\_\_ (Home) \_\_\_\_\_

1. Indicate whether you are the owner, co-owner, corporate officer, other \_\_\_\_\_  
Indicate percentage of ownership \_\_\_\_\_
2. Are you a citizen of the United States of America? \_\_\_\_\_  
If not, are you a permanent registered alien? \_\_\_\_\_  
Registration Number \_\_\_\_\_ Native Country \_\_\_\_\_
3. Within the 10 years immediately preceding the date of the application, have you been convicted or entered a plea of nolo contendere for any felony or crime involving moral turpitude? \_\_\_\_\_  
If yes, explain \_\_\_\_\_
4. Do you have an interest in any wholesale dealer license? \_\_\_\_\_  
If so, explain \_\_\_\_\_
5. Do you have an interest in any retail dealer license? \_\_\_\_\_  
If so, explain \_\_\_\_\_
6. Do you have an interest in any retail consumption license? \_\_\_\_\_  
If so, explain \_\_\_\_\_
7. Are you an elected or appointed officer, agent, or employee of the City of Morrow? \_\_\_\_\_ Does your spouse or minor children have any interest in any license to sell alcoholic beverages in the City of Morrow? \_\_\_\_\_

VERIFICATION

I, \_\_\_\_\_, do hereby swear and affirm under oath subject to the penalties of the State of Georgia for false swearing, that the statements, answers and information given by me on this form and any attachments thereto are true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

VERIFICATION

State of Georgia  
City of Morrow

I, \_\_\_\_\_, do solemnly swear and affirm, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a City of Morrow Alcoholic Beverage License are true, and no false or fraudulent statement or answer is made herein to procure the granting of such license.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sworn to and subscribed  
before me this \_\_\_\_\_  
day of \_\_\_\_\_,  
20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public



ALCOHOLIC BEVERAGE LICENSES - CLASSES OF BUSINESSES

Business/Corporate Name \_\_\_\_\_  
DBA \_\_\_\_\_  
Business Location \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Section 9-2-29 (Ratio)

- (1) Restaurant licenses for distilled spirits and/or malt beverages and wine; 50 percent alcoholic beverage to 50 percent food.
- (2) A hotel which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging may operate a lounge and obtain a license to sell alcoholic beverages for consumption on the premises, only if the hotel meets the requirements of Section 9-2-2(8).

Estimate: Percentage of alcoholic beverage sales: \_\_\_\_\_  
Percentage of food sales: \_\_\_\_\_

- (3) Retail dealer licensees shall maintain at least a \$15,000 inventory of food, household supplies and periodicals. Tobacco and automotive supplies may not be included for purposes of computing total inventory.

Estimated Inventory: grocery items \_\_\_\_\_  
non food/general merchandise \_\_\_\_\_  
beer/wine \_\_\_\_\_  
tobacco products \_\_\_\_\_  
automotive supplies \_\_\_\_\_  
total \_\_\_\_\_

VERIFICATION

I, \_\_\_\_\_, do hereby swear and affirm under oath, subject to the penalties of the State of Georgia for false swearing, that the information given above regarding my business or the business for which I am the licensee, is true and correct.

\_\_\_\_\_  
Signature Date

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

## PERSONAL FINANCIAL STATEMENT

Complete this form for: (1) each proprietor, or (2) each limited partner who owns 20% or more interest and each general partner, or (3) each stockholder owning 20% or more of voting stock, or (4) any person or entity providing a guaranty on the loan.

Name	Business Phone
Residence Address	Residence Phone
City, State, & Zip Code	
Business Name of Applicant/Borrower	

ASSETS	(Omit Cents)	LIABILITIES	(Omit Cents)
Cash on hand & in Banks .....	\$ .....	Accounts Payable .....	\$ .....
Savings Accounts .....	\$ .....	Notes Payable to Banks and Others .....	\$ .....
IRA or Other Retirement Account .....	\$ .....	(Describe in Section 2)	
Accounts & Notes Receivable .....	\$ .....	Installment Account (Auto) .....	\$ .....
Life Insurance-Cash Surrender Value Only .....	\$ .....	Mo. Payments \$ .....	
(Complete Section 8)		Installment Account (Other) .....	\$ .....
Stocks and Bonds .....	\$ .....	Mo. Payments \$ .....	
(Describe in Section 3)		Loan on Life Insurance .....	\$ .....
Real Estate .....	\$ .....	Mortgages on Real Estate .....	\$ .....
(Describe in Section 4)		(Describe in Section 4)	
Automobile-Present Value .....	\$ .....	Unpaid Taxes .....	\$ .....
Other Personal Property .....	\$ .....	(Describe in Section 6)	
(Describe in Section 5)		Other Liabilities .....	\$ .....
Other Assets .....	\$ .....	(Describe in Section 7)	
(Describe in Section 5)		Total Liabilities .....	\$ .....
Total	\$ .....	Net Worth .....	\$ .....
		Total	\$ .....

Section 1. Source of Income	Contingent Liabilities
Salary .....	As Endorser or Co-Maker .....
Net Investment Income .....	Legal Claims & Judgments .....
Real Estate Income .....	Provision for Federal Income Tax .....
Other Income (Describe below)* .....	Other Special Debt .....

Description of Other Income in Section 1.


\*Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

Section 2. Notes Payable to Banks and Others. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

Name and Address of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

**Section 3. Stocks and Bonds.** (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed).

Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

**Section 4. Real Estate Owned.** (List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)

	Property A	Property B	Property C
Type of Property			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

**Section 5. Other Personal Property and Other Assets.** (Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and if delinquent, describe delinquency)

--

**Section 6. Unpaid Taxes.** (Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)

--

**Section 7. Other Liabilities.** (Describe in detail.)

--

**Section 8. Life Insurance Held.** (Give face amount and cash surrender value of policies - name of insurance company and beneficiaries)

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Please note: I furnish the foregoing as a true and accurate statement of my financial condition. Authorization is hereby given to the City of Morrow to verify in any matter it deems appropriate any and all items indicated on this statement. The undersigned also agrees to notify the City of Morrow immediately in writing of any significant adverse change in such financial condition.

Signature:	Date:	Social Security Number
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Signature:	Date	Social Security Number
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## CRIMINAL HISTORY CONSENT FORM

I hereby authorize the City of Morrow Police Department to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal agency in Georgia.

\_\_\_\_\_  
Print Full Name (First, Middle, Last)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Sex

\_\_\_\_\_  
Race

\_\_\_\_\_  
DOB

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Notary Signature & Date

\_\_\_\_\_  
Date

***\*Copy of driver's license must be attached to this form.\****

DO NOT WRITE BELOW THIS LINE

---

Criminal History Attached: \_\_\_\_\_ Yes \_\_\_\_\_ No record on file

Signature \_\_\_\_\_ Date \_\_\_\_\_

Morrow Police Department

**Title 9 LICENSING AND REGULATION****Chapter 2. Alcoholic Beverages**Article A. General Provisions

Sec. 9-2-1. Purpose of chapter.

Sec. 9-2-2. Definitions.

Sec. 9-2-3. Construction of undefined terms.

Sec. 9-2-4. Delivery of alcoholic beverages.

Secs. 9-2-5--9-2-10. Reserved.

Article B. Licenses

Sec. 9-2-11. License required.

Sec. 9-2-12. Application required.

Sec. 9-2-13. Applicant.

Sec. 9-2-14. Reserved.

Sec. 9-2-15. Retail licensee prohibited from having direct financial interest in wholesale liquor business.

Sec. 9-2-16. Hotels, motels.

Sec. 9-2-17. Qualification of applicants.

Sec. 9-2-18. Application contents.

Sec. 9-2-19. Untrue or misleading information; omissions.

Sec. 9-2-20. Interests specified in application.

Sec. 9-2-21. Reserved.

Sec. 9-2-22. Investigation of application.

Sec. 9-2-23. Licensing considerations.

Sec. 9-2-24. Grant of application.

Sec. 9-2-25. Procedure when license denied by state.

Sec. 9-2-26. Distance requirements from churches and schools.

Sec. 9-2-27. Reserved.

Sec. 9-2-28. Physical requirements for licensed premises.

Sec. 9-2-29. Types of businesses to be licensed.

Sec. 9-2-30. License fees.

Sec. 9-2-31. Standards to determine sleeping or seating capacity.

Sec. 9-2-32. Term of license.

Sec. 9-2-33. Transferability of license.

Secs. 9-2-34--9-2-40. Reserved.

Article C. Regulation of Consumption on Premises

Sec. 9-2-41. Hours and days of sale.

Sec. 9-2-42. License number to be displayed.

Sec. 9-2-43. Signs.

Sec. 9-2-44. Condition of premises.

Sec. 9-2-45. Nude dancing and obscene expressions prohibited.

Sec. 9-2-46. Reserved.

Sec. 9-2-47. Reserved.

Sec. 9-2-48. Machines used for the purpose of musical entertainment and cigarette dispensing permitted.

Sec. 9-2-49. Sales outside of licensed premises.

Sec. 9-2-50. Employee registration for on-site consumption.

Sec. 9-2-51. Price information.

Sec. 9-2-52. Service in back rooms prohibited.

Sec. 9-2-53. Copy of provisions to be maintained on licensed premises; effect of violation by employee or agent of licensee.

Secs. 9-2-54--9-2-60. Reserved.

#### Article D. Regulation of Package Sales of Malt Beverages and Wine

Sec. 9-2-61. Hours and days of sale.

Sec. 9-2-62. Sales outside of licensed premises.

Sec. 9-2-63. Signs advertising products.

Sec. 9-2-64. License number to be displayed.

Sec. 9-2-65. Signs concerning prohibited acts.

Sec. 9-2-66. Prices.

Sec. 9-2-67. Broken seals.

Sec. 9-2-68. Reuse of bottles.

Sec. 9-2-69. Employee registration for off-site consumption.

Sec. 9-2-70. Interior visibility.

Sec. 9-2-71. Copy of provisions to be maintained on licensed premises; effect of violation by employee or agent of licensee.

Sec. 9-2-72. Security cameras required for certain establishments selling alcoholic beverages.

Secs. 9-2-73--9-2-80. Reserved.

#### Article E. Enforcement

Sec. 9-2-81. Inspection authority of city.

Sec. 9-2-82. Automatic revocation in response to state revocation.

Sec. 9-2-83. Failure to begin or continue operation.

Sec. 9-2-84. Suspension and revocation.

Sec. 9-2-85. Prevention of evasion; records; inspections; confidentiality of information.

Sec. 9-2-86. Penalties for violation of chapter; application irregularities.

Secs. 9-2-87--9-2-90. Reserved.

#### Article F. Excise Taxes

Sec. 9-2-91. Malt beverages and wine.

Sec. 9-2-92. Distilled spirits.

Sec. 9-2-93. Enforcement.

**CHAPTER 2. ALCOHOLIC BEVERAGES\***

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**\*Editor's note:** The substance of this chapter, unless otherwise indicated is derived from Ord. No. 86-05, 6-10-86. Substantial reorganization of the ordinance was done during codification.

**Cross references:** Alcoholic beverage offenses involving minors, § 11-1-21.

**State law references:** Alcoholic beverage code, O.C.G.A., Title 3; driving under the influence of alcohol, O.C.G.A., § 40-6-391.

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**ARTICLE A. GENERAL PROVISIONS****Sec. 9-2-1. Purpose of chapter.**

This chapter has been enacted in accordance with a plan designed for the purposes, among others, of promoting the health and general welfare of the community, to establish reasonable standards for the regulation and control of the licensing and sale of alcoholic beverages; to protect and preserve schools; to give effect to existing land use; to protect those of minor age in the community; and to preserve certain residential areas, with reasonable considerations, among others, to the character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining stability of neighborhood and property values; and to protect against the evils of concentration of outlets for alcoholic beverages in one family or to prevent undesirable persons from controlling the alcoholic beverage industry.

**Sec. 9-2-2. Definitions.**

For the purposes of this chapter, in addition to the general definitions provided in section 1-1-2, the following definitions shall apply:

- (1) *Alcohol*. Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (2) *Alcoholic beverage*. All alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.
- (3) *Church*. A permanent building where persons regularly assemble for religious worship.
- (4) *College*. Such state, county, city, church or other colleges that teach subjects commonly taught in the common colleges of the State of Georgia, not including private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.
- (5) *Distilled spirits*. Any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.
- (6) *Family*. Includes any person related to the holder of the license within the first degree of consanguinity or affinity as computed according to the civil law.
- (7) *Fortified wine*. Any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.
- (8) *Hotel*. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and transient guests, in which 50 or more rooms are used for the sleeping accommodations of guests, and where the sleeping accommodations are in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Guest rooms must have interior accessibility only, with no exterior doorways and no exterior room entry. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels.

Hotels shall have the privilege of granting franchises for the operation of restaurants in their premises and the holder of any franchise shall be included in the definition of hotel hereunder, provided such restaurant meets the standards and requirements of this chapter.

(9) *Interest in license.* An "interest in a license" shall be deemed to exist if the person involved is the outright owner of the license; a co-owner of the license; a partner in a partnership which owns all or any part of a license; a stockholder in any corporation organized for the pecuniary gain which owns all or any part of a license; an owner, lessor, sublessor or stockholder in any corporation organized for pecuniary gain owning or leasing any real estate which is occupied by a licensed alcoholic beverage establishment or shares in any of the income or corpus of any trust fund or estate having any interest in a licensed alcoholic beverage establishment. Provided, however, that a stockholder shall not be deemed to have an interest in a licensed alcoholic beverage establishment where he owns stock in a motel or hotel having 200 or more rooms with a retail spirituous liquor store located on the premises of such motel or hotel and owned by such motel or hotel.

(10) *Lounge or banquet room.* A separate room or area enclosed within a hotel with all booths, stools and tables being open and unobstructed to the view of any other customers in the lounge or the manager thereof.

(11) *Malt beverage.* Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

(12) *Motel.* See hotel.

(13) *Package.* A bottle, can, keg, barrel or other consumer container sufficient to hold 32 or more ounces.

(14) *Private residence.* A house or dwelling wherein not less than one nor more than two families reside and shall not include an apartment house having facilities for housing more than two families, nor a boarding or rooming house where there are five or more boarders or roomers. Any building occupied as a residence located within an area zoned for business shall not be construed as a private residence.

(15) *Restaurant.* Any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, the place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least 60 people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one meal per day shall be served at least six days per week, with the exception of holidays, vacations and periods of redecorating; and the serving of these meals shall be the principal business conducted.

(16) *Retail consumption dealer.* Any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.

(17) *Retail dealer.* Any person who sells alcoholic beverages in unbroken packages at retail only to consumers and not for resale or for consumption on the premises.

(18) *School.* Such state, county, city, church or other schools as teach the subjects commonly taught in the common schools of the State of Georgia, not including private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

(19) *Wholesale dealer.* Any person who sells alcoholic beverages to retail consumption dealers, retail dealers or other wholesale dealers for resale.

(20) *Wine.* Any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this Code section.

(Ord. No. 96-05, § 1, 5-28-96; Ord. No. 2005-11, 1-10-06)

### **Sec. 9-2-3. Construction of undefined terms.**

Words and terms not explicitly defined in this chapter or section 1-1-2 of this Code shall have the meaning given by common and ordinary use as defined in the latest edition of Webster's New Collegiate Dictionary.

### **Sec. 9-2-4. Delivery of alcoholic beverages.**



(a) No delivery of alcoholic beverages shall be made except onto the premises from which such beverages are to be sold.

(b) A licensee for on-premises consumption may purchase from wholesalers, licensed by the city, alcoholic beverages, designated by their licenses, in one-fifth of a gallon, liter or larger containers unless a particular brand is not packaged in these sizes, in which event the licensee may purchase the brand in the nearest size to those container sizes.

Secs. 9-2-5—9-2-10. Reserved.

## ARTICLE B. LICENSES\*

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\*Cross references: Suspension and revocation procedures, § 9-2-84.

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### Sec. 9-2-11. License required.

Any person desiring to operate in the city as a retail consumption dealer or retail dealer shall apply for and obtain a license from the city prior to commencing operations.

### Sec. 9-2-12. Application required.

(a) Every person desiring to operate within the city as a retail consumption dealer or retail dealer shall make an application therefor. Such forms necessary for the application shall be furnished by the city.

(b) Each application shall be accompanied by a nonrefundable investigation fee as provided in section 9-2-30(c).

### Sec. 9-2-13. Applicant.

The applicant shall be the owner of the proposed business if the business is solely owned or the co-owner if a partnership or firm. If a proposed licensee is a corporation, the applicant may be the president, a vice-president, secretary or treasurer of the corporation or the corporation's general manager at the particular business location. Otherwise, no other individual may qualify as an applicant.

### Sec. 9-2-14. Reserved.

**Editor's note:** Ord. No. 2002-08, adopted October 8, 2002, repealed in its entirety § 9-2-14, personal restrictions on interest in retail business. Said section pertained to the alcoholic beverage business.

### Sec. 9-2-15. Retail licensee prohibited from having direct financial interest in wholesale liquor business.

No person shall hold a retail or retail consumption license who also has any direct financial interest in any wholesale alcoholic beverage business.

### Sec. 9-2-16. Hotels, motels.

Hotel and motel corporations and their franchise restaurant corporations operating as contemplated in these regulations are authorized to apply for and to hold a retail consumption license in their corporate names. They shall name on such application an agent and/or manager actively employed in the operation of said hotel, motel or franchise restaurant who shall be responsible for operation under said license and who shall qualify in all respects under these regulations. Should said manager and/or agent leave the employment of the hotel or motel corporation or its franchise restaurant corporation in the city, a new agent and/or manager shall be named by the licensee within ten days thereafter.

### Sec. 9-2-17. Qualification of applicants.

All applicants for licenses must make application on forms furnished by the city and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, bonds and other supporting data or documents as required hereby. No license, whether original or renewal,

shall be issued to any person, partnership or corporation, organized for monetary gain, where any individual having an interest either as owner, partner, general or limited, stockholder, directly or indirectly, beneficial or absolute, who by reason of such person's personal associations, records of arrests, or reputation in the community where he has resided, is not likely to maintain the operation in conformity with federal, state or local laws. Convictions or pleas of guilty, in this or any state, or by the United States or any other country, of any offenses involving sexual misconduct, drug possession (felony), or distribution, keeping a disorderly place, gambling, or offenses related to the manufacture or sale of alcoholic beverages, or other felony offenses related to the illegal possession or use of alcoholic beverages, within ten years immediately prior to the date of application would render such applicant ineligible for registration.

(Ord. No. 2001-18, § 1.A., 9-11-01)

#### **Sec. 9-2-18. Application contents.**

The application shall contain, under oath, the following information and documents:

- (1) Name and address of each applicant and each person who would have an interest in the license, however including only those stockholders owning 20 percent or more of the corporation's stock. A list of all officers and stockholders, along with their addresses and social security numbers, must be attached to the application.
- (2) Name and address for the past ten years of each individual licensee, including registered agent where necessary.
- (3) The name, address and date of birth of each employee working at the business location.
- (4) Description of the business operation, its location and facilities.
- (5) Blueprint or scale drawing of the business facility.
- (6) Survey indicating the location of the business and the distance to the nearest school, church, library, private residence and alcoholic treatment center, as described in section 9-2-26.
- (7) Such other information and documents as may be required by the city manager.

(Ord. No. 99-04, § 1(A), 2-9-99)

#### **Sec. 9-2-19. Untrue or misleading information; omissions.**

Any untrue or misleading information contained in, or material omission left out of an original, renewal or transfer application for a license shall be cause for the denial thereof and, if any license has been granted under these circumstances, these shall be cause for revocation.

#### **Sec. 9-2-20. Interests specified in application.**

(a) All applications for licenses, both originals or renewals, must be accompanied by a full and complete statement under oath of information relative to any and all interest (as defined before in section 9-2-2(9)) in establishments which sell alcoholic beverages at wholesale or retail. This shall include:

- (1) The names and addresses of all persons interested in the ownership of the business applying for a license to sell alcoholic beverages, together with an interest each person or any member of his or her immediately family has in any other business licensed to sell alcoholic beverages.
- (2) The ownership of the land and building where the business is to be operated.
- (3) The amount of rental paid for the land and building and the manner in which the rent is determined and to whom and at what intervals it is paid.
- (4) The names and addresses (by affidavit from the owner, lessor, or sublessor of the land and building) of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which the store is located.
- (5) A set of fingerprints of each applicant and each person who would have an interest in the license.
- (6) A photograph of each applicant and each person who would have an interest in the license.
- (7) Any other information called for by the city.

(b) Any change in any relationship herein declared must be filed with the city manager when the change is made, and failure to so file within a period of 30 days after the change is made shall be grounds for cancellation or revocation by the mayor and council.

(Ord. No. 99-04, § 1(B), 2-9-99)

#### **Sec. 9-2-21. Reserved.**

**Editor's note:** Ord. No. 90-04, § 1, adopted May 8, 1990, repealed §.9-2-21 pertaining to wholesaler's applications. Such section bore no history note, see the editor's footnote to chapter 2.

**Sec. 9-2-22. Investigation of application.**

(a) Applicants, by filing for a license to sell alcoholic beverages, agree to furnish the data, information and records as called for herein and also agree to submit under oath to interrogation by the city manager, as to any facts considered pertinent to the application. Applicants, by filing the application, also agree to produce for oral interrogation by the city manager, any person or persons requested by the city manager, as being important in the ascertainment of the facts relative to the granting of the license. Failure to furnish this data, information and records or failure to produce such persons within 30 days from the date of the request by the city shall automatically serve to dismiss with prejudice the application of the applicant failing to furnish the data, information and records or failing to produce such persons.

(b) All applications for new licenses for sale of alcoholic beverages and applications for renewals thereof, shall be investigated by the chief of police, and no new or renewal license shall be issued by the city manager until the chief of police has indicated in writing that in his opinion no violation exists upon the facts as stated and ascertained by the aforesaid investigation as to any ordinance or law in effect as of the date of the rendering of the opinion.

(c) All applicants for new licenses or for transfers of locations shall be passed upon by the city manager and such action shall be taken within 60 days from the date of the filing of the application or notice of location transfer unless written notice of extension by the city manager is given two weeks prior to the 60-day deadline.

(d) Any change in any relationship declared in section 9-2-20, application contents, which requires investigation by the city manager prior to the issuance of a renewal license shall be passed upon by the city manager within 60 days from the date of the filing of the changes.

(e) Any information which changes or otherwise becomes obsolete shall be immediately reported by the applicant.

**Sec. 9-2-23. Licensing considerations.**

In determining whether or not any application shall be granted and a license issued, the city manager shall consider the following information in the public interest and welfare:

(1) If the applicant and/or licensee has ever violated any federal, state, county or municipal law or regulation regarding narcotics or alcoholic beverages, their sale, distribution or manufacture;

(2) The manner in which the applicant and/or licensee has conducted any business within the city as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance or as to the necessity for city action to compel the applicant's and/or licensee's adherence to any city law, regulation or ordinance;

(3) The location for which the license is sought as to traffic congestion, public safety, and general character of the neighborhood; and

(4) Whether the applicant and/or licensee has ever had an alcoholic beverage or business license suspended or revoked by the state or any political subdivision thereof.

**Sec. 9-2-24. Grant of application.**

(a) All applications for alcoholic beverage licenses meeting these regulations shall be granted by the city manager, unless some specific cause regarding location, traffic conditions or environmental conditions justifies a refusal. In such event, the applicant shall be entitled to file a new application of like kind for a different location without the loss of any part of the application fee.

(b) In the event the city manager denies an application for a license, the applicant shall have the right to appeal said decision to the mayor and council. A hearing shall be held in not less than 30 days from the date of the written notice of appeal. Within 30 days from the date of the conclusion of the hearing, the mayor and council shall notify the applicant, in writing, of its decisions and its reasons therefor.

**Sec. 9-2-25. Procedure when license denied by state.**

In the event the applicant is denied a license by the state, upon the proof of that refusal, he shall be entitled to a refund of the license fee or business tax less the investigative fee as required plus an additional

charge of \$25.00 to cover the clerical costs of granting the license. This refund may be made by the city clerk without the necessity of any action by the city manager.

**Sec. 9-2-26. Distance requirements from churches and schools.**

(a) No license shall be issued to sell alcoholic beverages where the proposed premises are within:

- (1) 100 yards of any church (for the sale of distilled spirits);
- (2) 100 yards from the property line of any school or college ground (for the sale of malt beverages and wine);
- (3) 200 yards from the property line of any school or college ground (for the sale of distilled spirits);
- (4) Reserved;
- (5) Reserved;
- (6) 100 yards from any alcoholic treatment center owned and operated by the State of Georgia, Clayton County, or a municipality; or
- (7) 100 yards of any private residence, such distance to be measured as shown in paragraph (b) immediately below.

(b) Distances, unless otherwise specified in this chapter, shall be measured by the most direct line from the nearest point of the structure in which the licensee's business is conducted to the nearest point along the property line on which is located the school building, education building, school ground, college campus, church, alcoholic treatment center or residence.

(c) All applications shall include a survey prepared and certified by a registered surveyor of the proposed premises and the straight line distance from the proposed premises to the property line of the nearest school, residence, and church showing compliance with the appropriate provisions and sections of this chapter.

(d) No license will be considered for a retail dealer when there is a previously filed application or license for a retail dealer's place of business within 500 feet of the applicant's proposed site, measured along the most direct line.

(Ord. No. 2004-04, § 1(A), 2-10-04)

**Cross references:** School and private residence defined, § 9-2-2.

**State law references:** Distance requirements, O.C.G.A., § 3-3-21.

**Sec. 9-2-27. Reserved.**

**Editor's note:** Ord. No. 2004-04, § 1(B), adopted Feb. 10, 2004, repealed § 9-2-27, which pertained to annexed areas; continuance of business and derived from Ord. No. 86-05, adopted June 10, 1986.

**Sec. 9-2-28. Physical requirements for licensed premises.**

No license shall be granted to a retailer, under the provisions of this chapter, unless the front entrance to the premises is clearly visible from a public street or private drive normally frequented by the public; provided, however, that this restriction shall not apply where the license is issued to a location in a shopping center or hotel.

**Sec. 9-2-29. Types of businesses to be licensed.**

Alcoholic beverage licenses shall be issued only for the following classes of businesses:

- (1) Restaurant licenses for distilled spirits and or malt beverages and wine; 50 percent alcoholic beverage to 50 percent food.
- (2) A hotel which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging may operate a lounge and obtain a license to sell alcoholic beverages for consumption on the premises, only if the hotel meets the requirements of section 9-2-2(8).
- (3) *Package sales* of malt beverages and wine only are permitted in licensed businesses which meet the following requirements:
  - a. No retail dealer license shall be issued to any applicant whose business does not have at least \$15,000.00 inventory of food, household supplies and periodicals. Tobacco products may not be included for purposes of computing total inventory.
  1. The value of such items shall be the same as those indicated in the applicants' annual returns to the Clayton County Tax Commissioner for ad valorem tax purposes.

2. The value so indicated shall be the cost of such item to the applicant and not the price which the applicant charges in retail sales.
3. Automotive supplies and services shall not be considered or included in determining the inventory.
4. Provisions for inspection of inventories contained elsewhere in this chapter shall apply hereto and all other procedures shall be in accordance as hereinafter set forth.
  - b. No retail dealer license shall be issued to an applicant who cannot provide satisfactory proof that the sale of packaged alcoholic beverages shall not constitute more than 49 percent of total sales.
  - c. No retail dealer license shall be issued for other than package sales of malt beverages or wine and the package sale of alcoholic beverages other than malt beverages and wine is expressly prohibited by this chapter.
  - d. No retail dealer license shall be issued to a business engaged solely in the sale of automotive supplies and/or services.
  - e. No retail dealer license shall issue for the sale of any packaged malt beverages or wine in a container holding less than 32 ounces.
- (4) *[Combined licenses.]* No combined licenses i.e. on premises consumption/package sales, shall be permitted or issued.  
(Ord. No. 96-05, § 1, 5-28-96; Ord. No. 2004-04, § 1(C), (D), 2-10-04)

#### **Sec. 9-2-30. License fees.**

- (a) An annual license fee for the privilege of engaging in the business of selling alcoholic beverages in addition to any other business taxes levied in title 3, chapter 2, shall be as follows:
  - (1) Restaurant, serving malt beverages, wine and distilled spirits, whether an independent facility or whether part of a motel or hotel, the sum of \$5,000.00.
  - (2) Restaurant, serving malt beverages and wine, whether an independent facility or whether part of a motel or hotel, the sum of \$3,000.00.
  - (3) Lounge or banquet facility, located in a hotel serving malt beverages, wine and distilled spirits, the sum of \$5,000.00.
  - (4) Lounge or banquet facility, located in a hotel serving malt beverages and wine, the sum of \$3,000.00.
  - (5) Hotels, giving complementary drink tickets, not for sale to the public, the sum of \$1,000.00.
  - (6) Package sales, malt beverage only, the sum of \$1,000.00.
  - (7) Package sales, wine only, the sum of \$500.00.
  - (8) Package sales of malt beverages and wine, the sum of \$1,500.00.
- (b) The fee for any licensee obtaining an initial license for less than a full license year shall be prorated on a quarterly basis. No proration nor refund shall be made for licenses issued after the initial license period.
- (c) The sum of \$500.00 shall be paid at the time an original application is filed to cover investigating costs which shall be credited against the first annual license fee and business tax upon the grant of a license. A transfer fee of \$250.00 shall be paid at the time application is made of intent to take in new partners or stockholders. These fees are not refundable.
- (d) Reserved.
- (e) All license fees shall be paid by January 1st of each year or within ten days of the granting of an application for a license. Any person failing to pay the business tax on or before January 1st shall be subject to a penalty of \$25.00.
- (f) Records and reports from licensee; form. Every licensee for the sale of alcoholic beverages shall keep such records, receipts, invoices and other pertinent papers in such form as the city manager may require. On or before the 10th day of the month, a return for the preceding calendar month shall be filed with the zoning administrator in such form as he or she may prescribe by every licensee or agent liable for the payment of the excise taxes levied in sections 9-2-91 and 9-2-92 and for reporting the sale of food during the same period of the return.

Those businesses and/or persons that are licensed to sell malt beverages and/or wine by the package shall file an annual report no later than the 20th day of January to verify their compliance with section 9-2-29(3).

Additionally, those businesses and/or persons licensed to sell malt beverages and/or wine only by the drink and not required to remit excise taxes shall file an annual report no later than the 20th day of January.

(g) All returns shall show the gross receipts from the sale of all alcoholic beverages, amount of alcoholic beverages sold and tax collected or authorized due from the sale of alcoholic beverages only, for the related period; and, the amount of revenue received from the sale of food during the same period of the return.

(h) Every retail consumption licensee shall, at the time of collecting for food and drinks served, give to the purchaser a receipt on which the price of alcoholic beverages served shall be itemized separately. Where the charges for food and drink are satisfied by credit or deferred payment, the payment of the tax to the licensee may be deferred in a like manner; however, the licensee shall be liable therefor at the time to the extent that such credits are incurred.

(Ord. No. 90-04, § 2, 5-8-90; Ord. No. 94-01, § 1, 1-11-94; Ord. No. 96-05, § 1, 5-28-96; Ord. No. 2000-02, § 1(A), 2-8-00; Ord. No. 2005-11, 1-10-06)

**Sec. 9-2-31. Standards to determine sleeping or seating capacity.**

Where a minimum sleeping or seating capacity is prescribed herein, the requirement shall be judged by existing ordinances of the county or state regulations.

**Sec. 9-2-32. Term of license.**

No license under this chapter shall be issued for less than a calendar year period except for initial licenses as provided in section 9-2-30(b) and, in case of the revocation or surrender of the license before expiration of the calendar year period, the holder shall not be entitled to receive any refund of any fees or taxes whatsoever.

**Sec. 9-2-33. Transferability of license.**

(a) Licenses shall not be transferable, except as otherwise provided herein. In the case of the death of any person holding a license, or any interest therein, the same may, in the discretion of the city manager, be transferred to the administrator, executor, or the lawful heir of the decedent. The executor, administrator, or lawful heir shall have a 30-day grace period to apply for a license transfer.

(b) Nothing in this section, however, shall prohibit one or more partners in a partnership holding a license to withdraw from the partnership in favor of one or more partners who were partners at the time of the issuance of the license.

(c) Should a transfer of location be approved, there shall be no pro rata return of any license fee or business tax and the new location shall be considered as a new license hereunder.

(d) All applications for transfer of locations shall comply with the provisions herein set forth governing new licenses.

(e) This chapter is in no way to be construed to conflict with any federal or state bankruptcy or receivership laws.

Secs. 9-2-34--9-2-40. Reserved.

**ARTICLE C. REGULATION OF CONSUMPTION ON PREMISES**

**Sec. 9-2-41. Hours and days of sale.**

No retail consumption dealer shall sell, give away or otherwise dispense alcoholic beverages by the drink between the hours of 1:55 a.m. Sunday and 1:00 p.m. Sunday and between 11:30 p.m. Sundays and 9:00 a.m. Monday and between the hours of 2:00 a.m. and 9:00 a.m. on other days, nor permit their places of business to be opened for the sale of alcoholic beverages on Christmas Day, and any other day prohibited by federal or state law.

(Ord. No. 92-14, § 1, 12-8-92)

**Sec. 9-2-42. License number to be displayed.**

Each retail consumption dealer shall have printed on the front window adjacent to the main entrance of the licensed premises the inscription "City License No. \_\_\_\_\_" in uniform letters not less than three inches and not more than four inches in height.

**Sec. 9-2-43. Signs.**

No sign of any kind, painted or electric, advertising the fact that alcoholic beverages may be purchased on the premises shall be permitted on the exterior, or in the window, of any licensed premises. No placard or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any alcoholic beverages sold therein.

**Sec. 9-2-44. Condition of premises.**

All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the conditions or premises used for the storage and sale of food for human consumption.

**Sec. 9-2-45. Nude dancing and obscene expressions prohibited.**

(a) *Findings; public purpose.* Based on the experience of other urban counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; Dekalb County, Georgia; College Park, Georgia; Smyrna, Georgia; Richmond County, Georgia; Ft. Lauderdale and Palm Beach, Florida; which experiences we believe are relevant to the problems faced by the City of Morrow, Georgia, we take note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country. Moreover, it is the finding of the city council that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequent of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity. To that end, this section is hereby adopted.

(b) *Enactment.* The following types of entertainment, attire and conduct are prohibited upon any premises licensed to sell, serve or dispense alcoholic beverages:

(1) The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals.

(2) Live entertainment where any person appears in the manner described in subsection (b)(1) or where such person(s) perform(s) acts of or acts which simulate any of the following:

a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.

b. The touching, caressing or fondling of the breasts, buttocks, anus or genitals.

c. The displaying of the male or female pubic hair, anus, vulva or genitals.

(3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in subsection (b)(1) and (2) above.

(Ord. No. 91-01, § 1, 2-12-91; Ord. No. 93-08, §§ 1, 2, 9-14-93)

**Editor's note:** Ord. No. 91-01, § 1, adopted Feb. 12, 1991, repealed former §§ 9-2-45 and 9-2-46, and enacted in lieu thereof new provisions designated as § 9-2-45, herein set out. Prior to repeal, § 9-2-45 prohibited disturbances and obscenities, and § 9-2-46 prohibited nudity. Such sections bore no history notes.

**Sec. 9-2-46. Reserved.**

**Note:** See the editor's note following § 9-2-45.

**Sec. 9-2-47. Reserved.**

**Editor's note:** Ord. No. 94-15, § 1.D, adopted Dec. 13, 1994, provided for the deletion of § 9-2-47, which prohibited amusement devices, slot machines, pinball machines, etc., on premises of retail consumption dealers. Such section bore no history note.

**Sec. 9-2-48. Machines used for the purpose of musical entertainment and cigarette dispensing permitted.**

Machines or central systems used for musical entertainment are permitted, provided that the machines or systems may be controlled by the individual user or maintained by the licensee in such a manner so as to assure proper decorum at all times. Loud or otherwise abusive sounds are specifically prohibited.

**Sec. 9-2-49. Sales outside of licensed premises.**

It shall be unlawful for any sale to be made outside of the building, premises or place of business licensed for sales except as permitted herein.

**Sec. 9-2-50. Employee registration for on-site consumption.\***

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**\*Editor's note:** Ord. No. 2001-18, adopted Sept. 11, 2001, repealed former section 9-2-50, employee registration, and enacted a new section 9-2-50 as set out herein. Former section 9-2-50 pertained to similar subject matter and derived from Ord. No. 86-05, adopted June 10, 1986, Ord. No. 88-05, adopted June 30, 1988, and Ord. No. 97-01, adopted January 14, 1997.

(a) Alcoholic beverages by the drink shall be sold, served, distributed and dispensed only by employees of the licensee, who are 18 years of age or older. No licensee shall employ for the purposes of selling, serving, distributing or dispensing alcoholic beverages within the premises any person who, by reason of such person's personal associations, records of arrests, or reputation in the community where he has resided, is not likely to maintain the operation in conformity with federal, state or local laws. Convictions or pleas of guilty, in this or any state, or by the United States or any other country, of any offenses involving sexual misconduct, drug possession (felony) or distribution, keeping a disorderly place, gambling, or offenses related to the manufacture or sale of alcoholic beverages, or other felony offenses related to the illegal possession or use of alcoholic beverages, within ten years immediately prior to the date of employment would render such applicant ineligible for registration. Employment of such person subjects the licensee to suspension or revocation of the license.

(b) Employees who are involved in the sale and/or dispensing of alcoholic beverages are required to register with the city on a form provided by the city for that purpose. A dispensing permit with a photo affixed will be issued and a fee will be charged to all applicants for the same. Such fee may be changed from time to time by resolution of the mayor and council. Reregistration shall be accomplished annually on the anniversary of initial registration in the same manner as previously stated. Such permits allow an employee who dispenses or sells alcoholic beverages to work in any retail consumption establishment in the city. Such permits must be worn, clearly visible to the public, at all times when the holder of the permit is engaged in the dispensing and/or sale of alcoholic beverages.

(c) Persons under the age of 18 years may be employed in or about places of business where alcoholic beverages are sold, provided such persons shall be prohibited from selling, taking orders for, dispensing or serving alcoholic beverages.

(d) Alcoholic beverages by the drink shall be served only by employees of the establishment.  
(Ord. No. 2001-18, § 1.B., 9-11-01)

**Cross references:** Other offenses involving minors and alcoholic beverages, § 11-1-21.

**Sec. 9-2-51. Price information.**



- (a) All retail consumption dealers, except private clubs, shall maintain a schedule of prices for alcoholic beverages and shall display in prominent places their current prices of alcoholic beverages, and admission and cover charges. Such schedule shall be effective for not less than one calendar week.
- (b) Licensees shall file a copy of their price list with the investigating officer of the police department and shall furnish to any customer who desires it, an itemized bill of charges which shall not exceed the price list furnished to the police department. Upon any increase or decrease of prices, a new list must be filed with the police department.
- (c) No licensee or employee or agent of a licensee shall:
- (1) Offer or deliver any free alcoholic beverage to any person or group of persons, except in accordance with section 9-2-29(2)c;
  - (2) Deliver more than two alcoholic beverages to one person at one time;
  - (3) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not opened to the public;
  - (4) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not opened to the public;
  - (5) Sell, offer to sell, or deliver alcoholic beverages including malt beverages, by the pitcher, except to two or more persons at any one time;
  - (6) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week;
  - (7) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
- (d) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (c).
- (e) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, provided all patrons are allowed equal access to such free food, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person, or to prohibit any hotel or motel from offering room services to registered guests. Otherwise no food and alcoholic beverage package may be offered by any licensee.

**Sec. 9-2-52. Service in back rooms prohibited.**

The sale of alcoholic beverages for consumption by persons in any back room or side room which is not normally open to the general public use is prohibited, except that private parties or conventions, which have been scheduled in advance, may be served in public or private dining rooms or meeting rooms, and provided further, that this prohibition shall not apply to the sale of alcoholic beverages for consumption hereunder to the registered guests of any hotel or motel in their designated rooms.

**Sec. 9-2-53. Copy of provisions to be maintained on licensed premises; effect of violation by employee or agent of licensee.**

It shall be the duty of the licensee hereunder to maintain a copy of this chapter on the premises and to instruct each and every employee of the terms thereof. A violation of the chapter by an employee or agent of the licensee shall be deemed a violation of the licensee.

Secs. 9-2-54--9-2-60. Reserved.

**ARTICLE D. REGULATION OF PACKAGE SALES OF MALT BEVERAGES AND WINE**

**Sec. 9-2-61. Hours and days of sale.**

No retail dealer shall sell or give away any malt beverages and/or wine except between the hours of 8:00 a.m. and 12:00 midnight nor on Sundays, Christmas Day, or any other day prohibited by state law.

**Sec. 9-2-62. Sales outside of licensed premises.**

It shall be unlawful for any sale to be made outside of the building, premises or place of business licensed for sales except as permitted herein.

**Sec. 9-2-63. Signs advertising products.**

No sign of any kind, painted or electric, advertising any brand or price of malt beverages or wine shall be permitted on the exterior, or in the window, of any licensed premises. No placard or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any malt beverages or wine sold therein.

**Sec. 9-2-64. License number to be displayed.**

Each person licensed to sell malt beverages and wine by the package shall have printed on the front window adjacent to the main entrance of the licensed premises the inscription "City License No. \_\_\_\_\_" in uniform letters not less than three inches and not more than four inches in height.

**Sec. 9-2-65. Signs concerning prohibited acts.**

- (a) The retail licensee shall post in a conspicuous place where the actual transaction takes place within the licensed premises a sign stating that no malt beverages or wine shall be sold to or purchased by any person under 21 years of age and that it shall be unlawful for any minor to falsely misrepresent his or her age in any manner whatsoever to a licensee. Such sign shall be printed in uniform letters not less than one inch in height.
- (b) The retail dealer licensee shall display at any entrances or exits to the licensed premises a sign which shall state that it is unlawful to consume any malt beverages or wine or to open any container of such beverages on the licensed premises or in any parking area adjacent thereto. Further, such signs shall also be placed in such a manner as to be visible from any parking area adjacent to the licensed premises.
- (c) It shall be unlawful for any retail dealer to permit, allow or acquiesce in the consumption of any malt beverages or wine or the opening of any container of alcoholic beverages on the licensed premises or in any parking area adjacent thereto.
- (d) All signs required by this section shall be clearly visible and lettering shall be dark and unfaded.

**Sec. 9-2-66. Prices.**

- (a) Each retail dealer shall have conspicuously displayed within the interior of the licensed premises not less than four copies of a printed price list of the malt beverages and wine offered for sale and one printed copy of these regulations; provided, that a licensee, in lieu of having four copies of a printed price list, may have the price placed on the bottles or on the bottom of the shelf where the alcoholic beverages are exhibited for sale.
- (b) Licensees shall file a copy of their price lists with the investigating officer of the police department and shall furnish to any customer that so desires an itemized bill of charges which shall not exceed the prices list furnished to the police department. Upon any increase or decrease of prices, a new list must be filed with the police department.

**Sec. 9-2-67. Broken seals.**

It shall be unlawful for any person, except a licensee, his manager or agent in charge of licensed premises, to carry into or have in his possession on any premises any malt beverages or wine in the original package, the seal of which has been broken or the original package opened.

**Sec. 9-2-68. Reuse of bottles.**

It shall be illegal for the licensee hereunder to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any malt beverage or wine.

**Sec. 9-2-69. Employee registration for off-site consumption.\***

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\***Editor's note:** Ord. No. 2001-18, adopted Sept. 11, 2001, repealed former section 9-2-69, employees registration and replaced said section with a new section 9-2-69 as set out herein. The former section 9-2-69 pertained to similar subject matter and derived from Ord. No. 86-05, adopted June 10, 1986, Ord. No. 88-05, adopted June 30, 1988, and Ord. No 97-01, adopted Jan. 14, 1997.

(a) Alcoholic beverages by the package shall be sold or distributed only by employees of the licensee, who are 18 years of age or older. No licensee shall employ for the purposes of selling or distributing alcoholic beverages within the premises any person who, by reason of such person's personal associations, records of arrests, or reputation in the community where he has resided, is not likely to maintain the operation in conformity with federal, state or local laws. Convictions or pleas of guilty, in this or any state, or by the United States or any other country, of any offenses involving sexual misconduct, drug possession (felony) or distribution, keeping a disorderly place, gambling, or offenses related to the manufacture or sale of alcoholic beverages, or other felony offenses related to the illegal possession or use of alcoholic beverages, within ten years immediately prior to the date of employment would render such applicant ineligible for registration. Employment of such person subjects the licensee to suspension or revocation of the license.

(b) Employees who are involved in the sale or distribution of alcoholic beverages are required to register with the city on a form provided by the city for that purpose. A permit with a photo affixed will be issued and a fee will be charged to all applicants for the same. Such fee may be changed from time to time by resolution of the mayor and council. Reregistration shall be accomplished annually on the anniversary of initial registration in the same manner as previously stated. Such permits allow an employee who sells or distributes alcoholic beverages to work in any retail package establishment in the city. Such permits must be worn, clearly visible to the public, at all times when the holder of the permit is engaged in the sale or distribution of alcoholic beverages.

(c) Persons under the age of 18 years may be employed in or about places of business where alcoholic beverages are sold, provided such persons shall be prohibited from selling or handling alcoholic beverages provided, however, in supermarkets, convenience stores and drugstores, persons under 18 years of age may handle or sell alcoholic beverages for consumption off the premises.

(Ord. No. 2001-18, § 1.C., 9-11-01)

#### **Sec. 9-2-70. Interior visibility.**

No screen, blind, curtain, partition, article or thing which shall prevent a clear view into the interior shall be permitted in the window or upon the doors of any retail dealer's store, and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such retail store shall be so lighted that the interior of the store is visible day and night.

#### **Sec. 9-2-71. Copy of provisions to be maintained on licensed premises; effect of violation by employee or agent of licensee.**

It shall be the duty of the licensee hereunder to maintain a copy of this chapter on the premises and to instruct each and every employee of the terms thereof. A violation of the chapter by an employee or agent of the licensee shall be deemed a violation of the licensee.

#### **Sec. 9-2-72. Security cameras required for certain establishments selling alcoholic beverages.**

(a) Any licensee which sells any alcoholic beverage packages to go, is hereby required to install a continuous video recording system dedicated to each register area with cameras and lens of a type, number and location approved by the chief of the police department. Such cameras must be capable of producing a retrievable and identifiable image on film or tape that can be made a permanent record and that can be enlarged through projection or other means. Provided, however, that any establishment governed by this section and having three or more employees on duty at all times during business hours is hereby exempted from the provisions of this section.

(b) Cameras meeting the requirements of this section shall be maintained in proper working order at all time and shall be in operation at all hours in which such establishment is open for business. The camera shall be subject to periodic inspection by the chief of police or his designee along with the person on duty at the time of the inspection and in the event the primary system becomes inoperable, the licensee must have the camera repaired or have availability of a backup camera system within a ten-day period of time. In addition, in the event the camera becomes inoperable, the licensee must immediately notify the police chief or his designee.

a crime occurs or an employee believes a crime has occurred, the police department shall be contacted immediately and the film retrieved by a designated police officer.

(c) Violation of any provisions under this section shall constitute an offense hereunder and shall be punishable as follows:

(1) On a first offense there shall be a minimum fine of \$250.00. In addition to said fine, the judge of the Morrow Municipal Court may impose, at his discretion, a suspension of all City of Morrow alcoholic beverage licenses at the establishment for a period of time not to exceed 30 days.

(2) On the second offense, if within 12 months of the first, there shall be a minimum fine of \$350.00. In addition to said fine, the judge of the Morrow Municipal Court may impose, at his discretion, a suspension of all alcoholic beverage licenses at the establishment for a minimum of 60 days.

(Ord. No. 91-11, § 1, 9-24-91)

Secs. 9-2-73–9-2-80. Reserved.

## ARTICLE E. ENFORCEMENT

### Sec. 9-2-81. Inspection authority of city.

Sworn officers of the police department shall have the authority to inspect establishments licensed hereunder during the hours in which the premises are open for business. The inspections shall be made for the purpose of verifying compliance with the requirements of these regulations.

Before any alcoholic beverage license is issued, the code enforcement officer or other representative of the city designated by the city manager shall conduct an on-site inspection of each licensed establishment to ensure compliance with all city codes. The fee for an inspection shall be as set by the mayor and council from time to time. Any violations of the City Code of Ordinances must be corrected within a reasonable amount of time as determined by the city manager, or such establishment's alcoholic beverage license will not be issued until the establishment comes into compliance.

The applicant for an alcoholic beverage license whose license is not issued based on this Code section may file a written appeal with the city manager not later than five working days after receiving written notice from the city that the license will not be issued because of noncompliance with the City Code of Ordinances. The city manager shall render his decision in writing within five working days of the receipt of the appeal. In the event the appeal to the city manager is denied, the applicant for an alcoholic beverage license may appeal the city manager's decision to the mayor and council at a regular council meeting no later than 30 days from the receipt of the written denial.

(Ord. No. 2000-02, § 1(B), 2-8-00)

### Sec. 9-2-82. Automatic revocation in response to state revocation.

Whenever the state shall revoke any permit or license to sell alcoholic beverages, the city license to deal in that product, issued pursuant to these regulations, shall thereupon be automatically revoked without any action by the city.

### Sec. 9-2-83. Failure to begin or continue operation.

Whenever a holder of a license granted in the chapter shall fail to open for business the establishment referred to in the license and begin the sale of products or product authorized by the license within nine months from the date of issuance of the license, or whenever a holder of a license shall begin the operation of a business and sale of the product or products as authorized in the license but shall fail to operate the business for a period of nine consecutive months, the holder shall automatically forfeit his license, which shall be cancelled or revoked without the necessity of any further action of the city.

### Sec. 9-2-84. Suspension and revocation.

(a) Except as provided for herein, no license which has been issued or which may hereafter be issued by the city to any person under this chapter shall be suspended or revoked, except for due cause as hereinafter defined, and after a hearing and upon the prior three-day written notice to the holder of the license of the time, place and purpose of the hearing and a statement of the charge upon which the hearing shall be held.

(b) "Due cause" for the suspension or revocation of license shall consist of the violation of any laws or ordinances regulating the businesses, or violation of regulations made pursuant to authority granted for the purpose of regulating the businesses, or for the violation of any state, federal, or local law or ordinance relating to the use and sale of drugs and/or alcoholic beverages or any crime of moral turpitude.

(c) The hearing shall be conducted before the mayor and council by the city manager and/or the city attorney. The decision of the mayor and council shall be in writing, with the reasons therefor stated, and shall be mailed or delivered to the licensee within ten days of the hearing date.

(d) In the event of revocation, no refund or any portion of the license fee or business tax shall be returned.

(e) Revocation of a license for violation of this chapter shall be for a minimum of six months and a maximum of 24 months, the period to be determined at the discretion of the mayor and council. A total of three separate and unrelated violations shall constitute grounds for permanent revocation.

**State law references:** Due process standards for denial, suspension or revocation of alcoholic beverage licenses, O.C.G.A., § 3-3-2.

**Sec. 9-2-85. Prevention of evasion; records; inspections; confidentiality of information.**

(a) Upon demand by the city manager and/or the mayor and council it shall be the duty of any licensee to throw open to these city officials or their designee, during regular business hours, all portions of the place of business for the purpose of enabling these city officials to ascertain and gain any information as may be necessary for determination of the percentage of gross receipts from the sale of food and the percentage of gross receipts from the sale of alcoholic beverages. Upon demand by these city officials, it shall also be the duty of any licensee to furnish the city officials during regular business hours at the licensee's place of business all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sales receipts, inventory and other information, from which the correct percentages of gross receipts from the sale of food as opposed to alcoholic beverages, including exhibition of bank deposit books, bank statements, copies of sales tax receipts to the State of Georgia, copies of Georgia income tax reports and federal income tax reports.

(b) It shall be the duty of any licensee of the city to secure, preserve, maintain and keep for a period of three years the records and documents enumerated and referred to in the previous subsection.

(c) It shall be unlawful for any licensee or for any servant, employee, or agent of the licensee to fail or refuse to perform any duty herein imposed upon the licensee or to obstruct or interfere with any city officials in obtaining information necessary for determination of the aforesaid percentages of sales.

(d) Except in the case of judicial proceedings or other proceedings necessary to collect the license fee or business tax provided in this code, it shall be unlawful for any officer, employee, agent or clerk of the city or any person to divulge or make known in any manner the information required to be submitted in the registration and application for license, or otherwise submitted under the terms of this chapter and the rules and regulations promulgated in connection therewith. All information so submitted shall be confidential and open only to the officials, employees, agents or clerks of the city using the information for the purpose of the administration of this chapter. Independent auditors or bookkeepers employed by the administrator shall be classed as employees. Nothing herein contained shall prevent the disclosure of the license fee or business tax levied and assessed upon any person subject thereto, the name, address, and type of business of the licensee holder. Nothing herein contained shall be construed to prohibit publication by the city officials of statistics, so classified as to prevent the identification of particular reports or returns on the items thereof, or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia or of the United States.

**Sec. 9-2-86. Penalties for violation of chapter; application irregularities.**

Any person who acquires a license or a renewal thereof, in violation of this chapter by an misrepresentation or fraudulent statement, or who, after acquiring a license, is found to have violated any of the provisions of this chapter, shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1-1-8 of this Code in addition to any suspension or revocation of the license. Each day's continuance of a violation shall be considered a separate offense.

Secs. 9-2-87--9-2-90. Reserved.

**ARTICLE F. EXCISE TAXES****Sec. 9-2-91. Malt beverages and wine.**

(a) Licensed wholesale dealers in malt beverages and wine shall pay to the city an excise tax in accordance with the following schedule:

(1) \$0.05 per 12-ounce container of malt beverages sold in bottles, cans or other containers, except barrel or bulk containers as specified in subsection (2). Fractional parts of 12-ounce containers shall be computed proportionately.

(2) \$6.00 for each container of malt beverages containing not more than 15 1/2 gallons and at a like rate for fractional parts, where the beverage is sold in or from a barrel or bulk container, that beverage commonly known as tap or draft beer.

(3) \$0.22 per liter of vinous beverages, and a proportionate amount in like rates on all fractional parts of a liter.

(b) The excise tax imposed by this section shall be paid by the wholesale dealers to the city by the 10th of the month, based upon the units of beer and wine sold during the previous month.

(c) When any person required to file a report as provided by this article fails to file the report within the time prescribed, the person shall be assessed a penalty of \$50.00 for each failure to file.

(d) When any person fails to pay the tax due as provided in this article, the person shall be assessed a penalty of ten percent of the tax due and not paid on or before the time prescribed, together with interest on the principal amount at the rate of one percent per month from the date the tax is due until the date the tax is paid. Any period of less than one month shall be considered to be one month.

(Ord. No. 93-12, 10-26-93)

**State law references:** Local excise tax on malt beverages, O.C.G.A., § 3-5-80, 3-5-81; tax on wine, O.C.G.A., § 3-5-60.

**Sec. 9-2-92. Distilled spirits.**

There is hereby imposed an excise tax on the sale of distilled spirits by the drink, which tax shall be three percent of the charge to the public for the beverages. Such taxes are to be collected at the time of sale by licensee, and such licensee shall be permitted a three percent deduction of the amount collected as compensation for his effort, providing that the account is not delinquent at the time of payment. This tax does not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage. Such taxes are due and payable to the city on or before the 10th day of every month next succeeding each respective calendar month. This tax is in lieu of that portion of gross revenue reportable as gross receipts and may be itemized as a deduction on application for the annual business license, whereupon the gross receipts are reported in accordance with section 3-2-52. Such exclusion from other business tax is authorized in section 3-2-52(b)(2)b.2.

(Ord. No. 92-02, § 1, 2-11-92; Ord. No. 2000-02, § 1(C), 2-8-00)

**Sec. 9-2-93. Enforcement.**

Each wholesaler or retail licensee required to report and remit the excise tax to the city shall accompany such report with a sworn statement that the report is a true and correct report of all sales and shipments made within the city. Upon demand by the mayor and council, or their designee, it shall be the duty of any wholesaler/licensee to throw open to the city officials or their designee all portions of the place of business for the purpose of enabling the city officials to ascertain and gain any information as may be necessary for the determination of quantities of alcoholic beverages sold in order to determine the amount of excise tax due and/or payable to the city.

**Cross references:** Reporting procedure combined with food/beverage ratio reporting, § 9-2-30(f), (g); administrative powers of the city, § 9-2-85.

**AN ORDINANCE TO AMEND THE ALCOHOLIC BEVERAGE ORDINANCE FOR THE CITY OF MORROW, GEORGIA, AS AMENDED, TO PROVIDE FOR REGULATIONS IN THE OLDE TOWN MORROW DISTRICT; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES.**

**IT IS HEREBY ORDAINED** by the Governing Authority of the City of Morrow, Georgia:

**Section 1:** That Section 9-2-26(a)(7) of the Alcoholic Beverage Code of the City of Morrow, Georgia, as amended, be further amended by deleting the language of that paragraph in its entirety and inserting the following in lieu thereof:

“(7) 100 yards of any private residence, such distance to be measured as shown in paragraph (b) below; provided, however, this distance requirement shall not apply to any licensee located in the Olde Town Morrow District.”

**Section 2:** Section 9-2-28 of the Alcoholic Beverage Code, as amended, is hereby further amended by adding the words “or Olde Town Morrow District” to the end thereof.

**Section 3:** Section 9-2-29(1) of the Alcoholic Beverage Code, as amended, is hereby further amended by deleting the language of that paragraph in its entirety and inserting the following in lieu thereof:

“(1) Restaurant licenses for distilled spirits and/or malt beverages and wine, 60% alcoholic beverage to 40% food; provided that no food or beverage ratio is required to be maintained for restaurant licensees in the Olde Town Morrow District (other than on Sunday) so long as those restaurants have a kitchen which is staffed, equipped and supplied in order to provide to the public a menu of food which is cooked on the premises during those hours when the restaurant is open for business, nor does the 40/60% food/beverage ratio apply to the Morrow Conference Center.”

**Section 4:** Section 9-2-30(b) of the Alcoholic Beverage Code, as amended, is further amended by deleting the language of subsection (b) in its entirety and inserting following in lieu thereof:

“(b) The fee for any licensee obtaining an initial license for less than a full license year shall be prorated on a quarterly basis. Annual licenses in excess of \$3,000.00 may be paid in quarterly installments provided each installment is received prior to the commencement of the quarter for which said license fee is due. Failure to make a scheduled quarterly payment by its due date shall result in the remainder of the license fee for that calendar year being due and payable in its entirety. Except as otherwise provided in this subsection, neither proration nor refund shall be made of license fees for licenses issued by the City.”

**Section 5:** Section 9-2-30(e) of the Alcoholic Beverage Code, as amended, is further amended by deleting the language of that subsection in its entirety and inserting the following in lieu thereof:

“(e) All license fees shall be paid by January 1<sup>st</sup> of each year or within 10 days of the granting of an application for a license, except for those fees in excess of \$3,000.00 for which installment payments are permitted as provided in subsection (b). Any person failing to pay the license fee for an alcoholic beverage license on or before January 1<sup>st</sup> or before the first of each calendar quarter in the event of installment payments shall be subject to a delinquent penalty of \$25.00. General business taxes for each business regulated by this Chapter shall also be due and payable in addition to any license fees in accordance with the City Business Tax Ordinance.”

**Section 6:** Section 9-2-41 of the Alcoholic Beverage Code, as amended, is further amended by deleting the language of that Section in its entirety and inserting the following in lieu thereof:

“(a) No retail consumption dealer located outside the Olde Town Morrow District and/or the Morrow Conference Center shall sell, give away or otherwise dispense alcoholic beverages by the drink between the hours of 1:55 a.m. Sunday and 12:30 p.m. Sunday and between 11:30 p.m. Sunday and 9:00 a.m. Monday and between the hours of 2:00 a.m. and 9:00 a.m. on other days, nor permit their places of business to be open for the sale of alcoholic beverages on Christmas Day or any other day prohibited by federal or state law.

“(b) No retail consumption dealer in the Olde Town Morrow District and/or the Morrow Conference Center shall sell, give away or otherwise dispense alcoholic beverages by the drink between the hours of 1:55 a.m. Sunday and 12:30 p.m. Sunday and between the hours of 11:30 p.m. Sunday and 9:00 a.m. Monday and between the hours of 2:00 a.m. and 9:00 a.m. on other days, nor permit their places of business to be open for the sale of alcoholic beverages on Christmas Day and any other day prohibited by federal or state law.

“(c) In all restaurants meeting the standards of section 9-2-2, the sale of alcohol is permitted on Sundays between the hours of 12:30 p.m. and 12:00 midnight where such establishment derives at least 50% of its total annual gross food and beverage sales from the sale of prepared meals or food.

“(d) The sale of alcoholic beverages on election days is specifically permitted in the City.”

**Section 7:** Section 9-2-49 of the Alcoholic Beverage Code, as amended, is hereby further amended by deleting the language of that Section in its entirety and inserting the following in lieu thereof:

“It shall be made unlawful for any sale to be made outside of the building, premises or place of business licensed for sale or for any patron of such businesses to carry alcoholic beverages outside the licensed premises except as specifically permitted



herein. Consumption-on-premise licensees located within the Olde Town Morrow District shall be permitted to make sales of alcoholic beverages which may be carried within the boundaries of the District, but which may not be carried outside the boundaries of that District or carried into any motor vehicle. Such licensees within the Olde Town Morrow District are further permitted to make sales of alcoholic beverages on the porches or patio areas of their respective premises at any time in which alcohol sales may be lawfully made."

**Section 8:** Section 9-2-2 of the Alcoholic Beverage Code, as amended, is further amended by adding a definition of the Olde Town Morrow District which shall read as follows:

"(21) Olde Town Morrow District. All that land or portion of land located in Land Lot 144 of the 13<sup>th</sup> District, Clayton County, Georgia, consisting of 16.210 acres and more specifically described as follows:

To arrive at the Point of Beginning, begin at a point at the intersection of the Northern right-of-way of Mt. Zion Road (formerly known as Morrow Industrial Boulevard (100' r/w) and the Western right-of-way of Lake Drive (80' r/w), thence North 84 degrees 06 minutes 30 seconds West for a distance of 681.60 feet along the northern right-of-way of Mt. Zion Road to a point, thence North 09 degrees 46 minutes East for a distance of 642.70 feet to a point, thence South 37 degrees 29 minutes 30 seconds East for a distance of 178.20 feet to a point, thence North 16 degrees 50 minutes 30 seconds East for a distance of 126.50 feet to a point, thence North 78 degrees 49 minutes East for a distance of 46.70 feet to a point, thence North 14 degrees 13 minutes East for a distance of 352.10 feet to a 1/2" rebar (set), at the Southeast corner of Lot 15, Block "E" of Imperial Estates, Unit 1 as recorded in Plat Book 7, Page 44 of the Clayton County records and the Point of Beginning;

THENCE North 00 degrees 29 minutes 57 seconds East for a distance of 1174.87 feet along the Eastern lot lines of Lots 15, 16, 17, and 18 of Imperial Estates, Unit 1 and Lots 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Forest Manor South, Unit IV as recorded in Plat Book 9, Page 239 of the Clayton County records to a 1/2" rebar (found);

THENCE North 01 degrees 30 minutes 19 seconds West for a distance of 460.33 feet along the Eastern line of Lot 12, Block "J", the Eastern right-of-way limits of Boca Raton Drive (50' r/w) and the Eastern line of Lot 37, Block "M" of Yorktown, Unit 5 as recorded in Plat Book 9, Page 63 of the Clayton County records to a 1/2" rebar (found) on the Southern right-of-way of Interstate 75 (r/w varies);

THENCE South 77 degrees 30 minutes 00 seconds East for a distance of 994.41 feet along the southern right-of-way of Interstate 75 to a 1/2" rebar (found), said point also being the Northwest corner of the Property now or formerly owned by Southlake Mall, L.L.C.;

THENCE South 26 degrees 00 minutes 00 seconds West for a distance of 428.70 feet along the Western line of the property now or formerly owned by Southlake Mall, L.L.C. as recorded in Deed Book 3803, Page 24 of the Clayton County records to a 1/2" rebar (set);

THENCE along a curve to the left having a radius of 1636.23 feet and an arc length of 258.41 feet, being subtended by a chord of South 55 degrees 51 minutes 50 seconds West

for a distance of 258.14 feet along the Northern line of the Southlake Mall, L.L.C. property to a ½" rebar (set);

THENCE North 41 degrees 15 minutes 00 seconds West for a distance of 146.44 feet to a ½" rebar (set);

THENCE South 48 degrees 45 minutes 00 seconds West for a distance of 100.00 feet to a ½" rebar (set);


THENCE South 41 degrees 15 minutes 00 seconds East for a distance of 144.98 feet to a ½" rebar (set);

THENCE along a curve to the left having a radius of 1636.23 feet and an arc length of 974.30 feet, being subtended by a chord of south 30 degrees 46 minutes 43 seconds West for a distance of 959.97 feet along the Northern line of the property now or formerly owned by Southlake Mall, L.L.C. to a ½" rebar (set), said point also being the southeast corner of Lot 15, Block "E" of Imperial Estates, Unit 1 as recorded in Plat Book 7, Page 44 of the Clayton County records.

**Section 9:** All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 10:** Should any word, phrase, sentence or paragraph of this Ordinance be determined to be invalid by judgment of a court of competent jurisdiction, such invalidity shall not affect the remaining words, clauses, phrases, sentences and paragraphs of this Ordinance, which shall remain in full effect.

**SO ORDAINED** this 13<sup>th</sup> day of October, 2009.

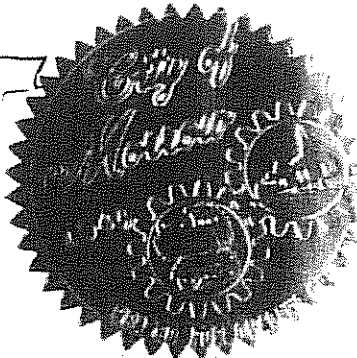
  
Virlyn Slaton, Mayor Pro Tem

**FIRST READING:** September 8, 2009  
**SECOND READING:** October 13, 2009

ATTEST:

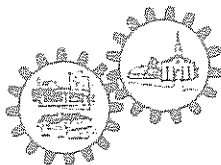
  
Evyonne Browning, City Clerk

(Seal)



City of Morrow

Geared for Quality Growth



## E-Verify Affidavit City of Morrow Occupational Tax

By executing this affidavit under oath, as an applicant for a(n) \_\_\_\_\_ (business license, occupational tax certificate or other document required to operate a business) as referenced in O.C.G.A. §36-60-6 (d), from the City of Morrow, the undersigned application representing the private employer known as \_\_\_\_\_ (printed name of private employer) verifies one of the following with respect to my application for the above mentioned document:

**1. Fill out this section between January 1, 2012, and June 30, 2012.**

- a) \_\_\_\_\_ On January 1<sup>st</sup> of the below signed year the individual, firm, or corporation employed five hundred (500) or more employees.
- b) \_\_\_\_\_ On January 1<sup>st</sup> of the below signed year the individual, firm, or corporation Employed less than five hundred (500) employees.

If the employer selected 1(a) please fill out section 4 below.

**2. Fill out this section between July 1, 2012, and June 30, 2013.**

- a) \_\_\_\_\_ On January 1<sup>st</sup> of the below signed year the individual, firm, or corporation employed one hundred (100) or more employees.
- b) \_\_\_\_\_ On January 1<sup>st</sup> of the below signed year the individual, firm, or corporation employed less than one hundred (100) employees.

If the employer selected 2(a) please fill out Section 4 below.

**3. Fill out this section on or after July 1, 2013**

- a) \_\_\_\_\_ On January 1<sup>st</sup> of the below signed year the individual, firm or corporation employed more than ten (10) employees.
- b) \_\_\_\_\_ On January 1<sup>st</sup> of the below signed year the individual, firm, or corporation employed less than ten (10) employees.

If the employer selected 3(a) please fill out Section 4 below.

**4. The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provision and deadlines established in O.C.G.A. §36-60-6. The undersigned private employer attests that its federal work authorization user identification number and date of authorization are listed below:**

\_\_\_\_\_  
Federal Work Authorization User Identification Number

\_\_\_\_\_  
Date of Authorization

In making the above representation under oath, I understand that any person who knowingly and willfully make a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties allowed by such statute.

Executed on the \_\_\_\_ date of \_\_\_\_\_, 201\_\_ in \_\_\_\_\_ (city), \_\_\_\_\_ (state)

\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Printed Name of and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME

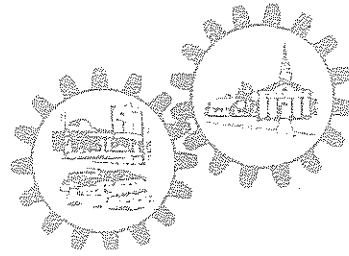
ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

*City of Morrow*

Geared for Quality Growth



## *Affidavit Verifying Status for Public Benefit*

By executing this affidavit under oath, as an applicant for a(n) \_\_\_\_\_ (type of public benefit) as referenced in O.C.G.A. 50-36-1, from the City of Morrow, Georgia, the undersigned applicant verifies one of the following with respect to my application for this public benefit:

- 1) \_\_\_\_\_ I am a United States citizen.
- 2) \_\_\_\_\_ I am a legal permanent resident of the United States\*.
- 3) \_\_\_\_\_ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other Federal immigration agency is: \_\_\_\_\_

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. 50-26-1 (e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

\_\_\_\_\_

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. 16-10-20, and face criminal penalties as allowed by such criminal statute.

Signature of Applicant

Date

\_\_\_\_\_

Printed Name:

\_\_\_\_\_

Subscribed and sworn before

Me on this the \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_.

Notary Public

My Commission Expires:

\*Note: O.C.G.A. 50-36-1 (e)(2) requires that aliens under the Federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below: